

McCORMACK DECLARATION

EXHIBIT Q

FROM : AINSO

FAX NO. : 914 738 6323

Mar. 28 2006 09:00AM P1

AINSO & ASSOCIATES, Inc.
61 Highbrook Avenue, Pelham, N.Y. 10803, USA
Telephone & Fax: 914 738 6323

Feb. 6, 2006
P60327

Mr. V. Aftousmis
1225 80th Street
Brooklyn, NY 11228

Re: 97 Quentin Road
Brooklyn, NY

Dear Mr. Aftousmis,

My visit to your Building to observe first hand the cracks that have recently developed have led me to the conclusion that they are caused by the construction activity next door. I would be pleased to help you gather the necessary evidence and document the findings, so that they would hold up in a legal battle. We are also ready to provide a professional opinion regarding the required repairs for the reconstruction of the building.

I received a guided tour by your wife and inspected the corridors, the roof and the basement. I did a general survey to get the sense of the building, looked at the faults and visited the adjacent construction site to explore what information I could gather. I did not enter any apartments.

The worst affected area is the basement floor and the first floor level. In the basement we have a major crack a few feet from the East wall where the underpinning took place. The other major fault is the separation between the floor structure and the East wall at the first floor level. This is about 15 feet above the underpinned portion of your wall. While at the adjacent site, I noticed a major through the wall vertical crack at the North West corner of your building. I was able to look at their construction plans that called for underpinning of your wall. The plans called for an underpinning design that had to be generated by a licensed specialist, but those plans were not on the site. They suggested that we seek that information from Anthony at Wonder Works Construction Corp., 718 266 7300. We also saw some cracks in the plaster of the stairwell, but these cracks did not appear to have broken through the full width of the wall. I'll withhold my judgment regarding these cracks until I have had a chance to inspect the photos that the professional photographer took.

Aftousmis

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There are a number of issues that any builder next door has to comply with and that are prescribed in the Building Code of New York City. The strength of your lawsuit will depend upon establishing which regulations they followed and which they ignored.

I would also recommend that we establish whether the big floor crack is still moving and opening up further. To do that we can install a few crack monitors that would display any movement across the crack.

Our standard fee for these services is \$ 200.00 per hour and we will be billing our services on a monthly basis as the hours accumulate. In addition, you will be billed for reasonable out-of-pocket disbursements, like blueprint copying, postage and duplicating costs. We would appreciate a retainer of \$ 2,000.00 to get us started. It does not represent a fixed or maximum fee, and you will be responsible for payment of all additional fees or expenses in excess of said amount on a monthly basis.

It is rather difficult to estimate the total costs of our services since a lot depends upon the cooperation we get from the neighbors and the digging and the discoveries that would be necessary to make a solid case for you. I've prepared a short list of the immediate tasks to get us started.

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| 1. Review of the New York City Building Code and the preparation of a list of requirements that should have been followed by the Contractor. | 4 hours |
| 3. We need floor plans of each floor, basement and the roof. We need elevations of each affected view. A total of 7 to 8 plans. | 10 hours |
| 4. Site visit to measure and record the faults upon the plans and to install the displacement monitors. | 3 hours |
| 5. Transferring the field sketches of faults to presentable drawings. | 2 hours |
| 6. Helping Mr. Newman to get the plans of the neighboring Building, reviewing the plans and preparing a report of any mistakes, omissions or shortcomings. | 12 hours |

If you have some plans, then this effort will be less. If it takes me less time to do a task, you'll not be charged for the estimated amount but for the actual time expended. If we decide to make any probes and perform any investigations it will be an extra. Any additional meetings, depositions and consultations will be billed on an hourly basis. If we do not do any of that, you will not be charged. You may terminate our services at any time by fax or letter.

FROM : AINSO

FAX NO. : 914 738 6323

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Please call us if you have any questions about our proposal. If these terms are agreeable to you, please fax us a countersigned copy of this proposal.

Very truly yours,



Heino Ainso, PE, PhD

HA:su

Cc:Steve Newman

Accepted: _____

Date: _____

(Print name)